



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

ENE/152867

PRELIMINARY RECITALS

Pursuant to a petition filed October 17, 2013, under Wis. Admin. Code §HA 3.03(4), to review a decision by the Kenosha County Human Service Department in regard to Energy Assistance, a hearing was held on November 19, 2013, at Kenosha, Wisconsin.

There is no issue for determination by the Division of Hearings and Appeals at this time.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Administration
101 East Wilson Street
Madison, Wisconsin 53703

By: Karen Mayer, Energy Services Worker
Kenosha County Human Service Department
8600 Sheridan Road
[REDACTED]

ADMINISTRATIVE LAW JUDGE:

Kelly Cochrane
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Kenosha County.
2. Petitioner has not applied for Energy Assistance in this heating season.

DISCUSSION

Wisconsin provides Energy Assistance (EA) for qualified low-income households under Wis. Stats. §16.27. The Department of Administration administers the program using the *Wisconsin Home Energy Assistance Program, Program and Operations Manual (Manual)*, available online at <http://homeenergyplus.wi.gov/docview.asp?docid=23560&locid=25>.

The issue here is whether jurisdiction is present to reach the merits of the petitioner's appeal. Jurisdiction is available to review a denial, reduction, or sufficiency of EA – or any adverse action taken against the benefit. See, Wis. Adm. Code §§HA 3.03(1) and (4). There is also jurisdiction when there is a failure to act on an application with reasonable promptness. Wis. Adm. Code §HA 3.03(1)(b). In this case, however, the petitioner had not applied for EA benefits prior to his appeal, and therefore there is no negative action for me to consider. Accordingly, this matter is not ripe for adjudication, and jurisdiction is not yet present. Petitioner could not articulate why he filed the appeal. His record indicates that some contact has been made with Society's Assets to arrange for an authorized representative. It is recommended that he consider getting an authorized representative to help him navigate the complexities of public assistance benefits.

CONCLUSIONS OF LAW

This matter is not ripe for adjudication, and jurisdiction is not yet present.

THEREFORE, it is

ORDERED

That the petition for review be dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Administration. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 101 East Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 20th day of November, 2013

\sKelly Cochrane
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on November 20, 2013.

Kenosha County Human Service Department
DOA - Energy Assistance